

## DETAILED ACTION

### *Priority*

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Taiwan application number 92119360 on 07/16/2003. It is noted, however, that applicant has not filed a certified copy of the Taiwan 92119360 application as required by 35 U.S.C. 119(b).

2.

### *Drawings*

3. The drawings are objected to because Figure 3, Element 332 is labeled as “**D/A Conberter**” it should be changed to “**D/A Converter**”, Figure 3, Element 333 is labeled as “**A/D Conberter**” it should be changed to “**A/D Converter**”, Figure 3, Element 323 is labeled as “**DC/DC Conberter**” it should be changed to “**DC/DC Converter**” and Figure 3, Element 316 is labeled as “**Display Interface Conteroller**” it should be changed to “**Display Interface Controller**”.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for

consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

4. Claim 1 is objected to because of the following informalities: Claim 1, "A power supply circuit, coupled to the **image process circuit**, for supplying power to the **image process circuit**". It should be changed to "A power supply circuit, coupled to the **image processing circuit**, for supplying power to the **image processing circuit**."

Appropriate correction is required.

### ***Double Patenting***

5. A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

6. Claims 1-14 are provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claim 1-14 of copending Application No. 10605423. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

7. Claims 1-14 of this application conflict with claims 1-14 of copending Application No.10/065423.

37 CFR 1.78(b) provides that when two or more applications filed by the same applicant contain conflicting claims, elimination of such claims from all but one application may be required in the absence of good and sufficient reason for their retention during pendency in more than one application.

Applicant is required to either cancel the conflicting claims from all but one application or maintain a clear line of demarcation between the applications. See MPEP § 822.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1, 4- 6, and 8-13 are ejected under 35 U.S.C. 102(e) as being anticipated by Poo et al. (US 2003/0149816).

10. Claim 1, Poo discloses a handheld image capture device (Figure 1A, Element 70), comprising:

A body (It is inherent that the camera has a body), wherein the body comprises at least an optical lens (Figure 1A, Element 54),

A micro flat panel display (Figure 1A, Element 68, "Element 68, Operator Control has an LCD Display Panel, Page 3, Section 0031), and

A Universal Serial Bus (USB) connector (Figure 1A, Element 10, Page1, Section 0016, The portable device is compatible with the universal serial bus (USB) standard and includes a USB connector);

An image processing circuit (Figure 1A, Element 10, Page 1, Section 0015, "The integrated circuit having a Microprocessor for processing the image and/or audio data"), configured in the body, for capturing images via the optical lens (Page 3, Section 0030, "An image is focused on the surface of an imaging surface via an optical lens"), processing and storing images via the USB connector that is coupled to a USB (Page 1, Section 0015, "The integrated circuit having a Microprocessor for processing the image and/or audio data and a non-volatile memory for storing the processed image and/or audio data"), and displaying captured or stored images via the micro flat panel display (It is well know in the art that once the image is captured it will be processed and stored in the memory device and can be displayed on the LCD of the camera module); and

A power supply circuit (Figure 1A, Element 80), coupled to the image processing circuit, for supplying power to the image process circuit (Page 2, Section 0025, "See Figure 1, The power supply circuit is supplying VCC= 3V/5V to camera module 50, In which the image process).

11. Claim 4, Poo further discloses the handheld image capture device as recited in claim 1, wherein the image processing circuit manages to process motion images so as to serve as a video camera thereof (Page 1 and 2, Section 0017 and Page 3, Section 0032).

12. Claim 5, Poo further discloses the handheld image capture device as recited in claim 1, wherein the image processing circuit manages to process still images so as to serve as a camera thereof (Page 1 and 2, Section 0017 and Page 3, Section 0032).

13. Claim 6, Poo further discloses the handheld image capture device as recited in claim 1, wherein the body further comprises a microphone, and the image processing circuit manages to process audio so as to serve as a recorder thereof (Page 3, Section 0032, The operation of the camera module 50 may further include an acoustic digitizer circuit for digitalizing sound recorded by a microphone in module 50).

14. Claim 8, Poo discloses a handheld image capture device (Figure 2, Element 100), comprises:

A body, wherein the body comprises at least an optical lens (Figure 2, Element 1), a display (Figure 2, Element 7), and a USB connector (Figure 2, Element 11a – 11e);

An image processing circuit (Figure 2, Element 3), configured in the body, for capturing images via the optical lens, processing and storing images via the USB connector that is coupled to a USB, and displaying captured or stored images via the micro flat panel display (Page 3, Section 0047-0049);

A rechargeable battery (Page 3, Section 0057); a charging circuit, coupled to the rechargeable battery and the USB connector, for charging the rechargeable battery via power supply to the USB; and a dc to dc converter, coupled to the rechargeable battery,

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for supplying power to the image processing circuit (Page 3, Section 0050 and Section 0057).

15. Claim 9, Poo further discloses the handheld image capture device as recited in claim 8,

Wherein the display comprises a micro flat panel display (Figure 1A, Element 68, “Element 68, Operator Control has an LCD Display Panel, Page 3, Section 0031).

16. Claim 11, Poo further discloses the handheld image capture device as recited in claim 8,

Wherein the image processing circuit manages to process motion images so as to serve as a video camera thereof (Page 1 and 2, Section 0017 and Page 3, Section 0032).

17. Claim 12, Poo further discloses the handheld image capture device as recited in claim 8,

Wherein the image processing circuit manages to process still images so as to serve as a camera thereof (Page 1 and 2, Section 0017 and Page 3, Section 0032).

18. Claim 13, Poo further discloses the handheld image capture device as recited in claim 8,

Wherein the body further comprises a microphone and the image processing circuit manages to process audio so as to serve as a recorder thereof (Page 3, Section 0032, "The operation of the camera module 50 may further include an acoustic digitizer circuit for digitalizing sound recorded by a microphone in module 50").

***Claim Rejections - 35 USC § 103***

19. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

20. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Poo et al. (US 2003/0149816) in view of Ohnogi (US 6661462 B1).

21. Claim 2, Poo further discloses the handheld image capture device as recited in claim 1, wherein the power supply circuit comprises:

A rechargeable battery (Page 3, Section 000025, "Rechargeable lithium ion batteries");

Poo does not disclose the handheld image capture device power supply circuit comprising a charging circuit, coupled to the rechargeable battery and the USB connector, for charging the rechargeable battery via power supply to the USB; and a dc



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to dc converter, coupled to the rechargeable battery, for supplying power to the image processing circuit.

However Ohnogi discloses a digital camera comprising a power supply circuits (Figure 1, Element 115, Element 140, Element 112, Element 109, Element 106, Element 160 and Element 141, "All this element constitute the power supply system or circuit") that connected a charging circuit 140, where the charging circuit 140 receives power from the power supply circuits 115 and supplies the received power to the internal secondary battery (Rechargeable battery, Col 5, Line 26-27). The power supply circuit is also connected to a DC/DC converter 109. The DC/DC converter 109 is a power supply circuit that produces a voltage, required for the components of the digital camera 100, from the power supplied either from the power supply circuit or from an internal power supply 112 which is secondary battery (Col 5, Line 1-50, and Col 5, Line 51- 58).

Therefore it would have been obvious for one ordinary skilled in the art at the time the invention was made to modify Poo's camera power supply circuit or system with a charging circuit and a DC/DC converter of Ohnogi's camera power supply circuit or system. The motivation to have a charging circuit would be in case when there is a time when the level of the battery reaches below the required threshold value, the CPU of the camera will sends a signal to the charging circuit 140 in order to charge the battery from external source. On the other hand the motivation to have a DC/DC converter is to make sure that the required voltage is produced for each component of the digital camera from either internal battery or external power source.

22. Claim 3 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Poo et al. (US 2003/0149816) in view of Okuyama (US 6310728 B1).

Claim 3, Poo discloses the handheld image capture device comprising a micro flat panel display.

Poo doesn't teach the handheld image device a micro flat panel display featuring a diagonal size of 0.6 inches.

However Okuyama discloses the handheld image capture device, wherein the micro flat panel display features a diagonal size of 0.6 inch (Col 7, Line 25-27).

Therefore it would have been obvious to one ordinary skilled the art at the time the invention was made to modify the handheld image capture device micro flat panel display of Poo with Okuyama micro flat panel with a diagonal size of 0.6 inch. The motivation for this type of modification is since consumers are demanding for a handheld device that is small and power efficient, it would make more sense to design a handheld image capture device that has a smaller display in order to make the device compact or smaller and power efficient.

23. Claim 10, Poo discloses the handheld image capture device comprising a micro flat panel display

Poo doesn't teach the handheld image device a micro flat panel display featuring a diagonal size of 0.6 inches.

However Okuyama discloses the handheld image capture device, wherein the micro flat panel display features a diagonal size of 0.6 inch (Col 7, Line 25-27).

Therefore it would have been obvious to one ordinary skilled the art at the time the invention was made to modify the handheld image capture device micro flat panel display of Poo with Okuyama micro flat panel with a diagonal size of 0.6 inch. The motivation for this type of modification is since consumers are demanding for a handheld device that is small and power efficient, it would make more sense to design a handheld image capture device that has a smaller display in order to make the device compact or smaller and power efficient.

24. Claim 7 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Poo et al. (US 2003/0149816) in view of Ejima (US 2002/0054110 A1).

25. Claim 7, Poo further discloses the handheld image capture device as recited in claim 8,

The image processing circuit manages to process MP3 audio so as serve as a MP3 player thereof (Page 1 and 2, Section 0017, "The standard file formats for storing video and/or audio data for camera include but not limited to MPEG file formats, therefore since the camera is able to play mp3 files it can be considered as an MP3 player").

Poo does not disclose the handheld image capture device comprising a head-phone jack.

However Ejima discloses camera that comprises a headphone jack (Figure 1, Element 9, "Earphone Jack")

Therefore it would have been obvious for one ordinary skilled in the art at the time the invention was made to modify Poo's camera to comprise a headphone or earphone jack that is thought in Ejima in order to allow the user of the camera to be able provide a connection to an earphone or so as to allow user to listen audio through an earphone.

26. Claim 14, Poo further discloses the handheld image capture device as recited in claim 8,

The image processing circuit manages to process MP3 audio so as serve as a MP3 player thereof (Page 1 and 2, Section 0017, "The standard file formats for storing video and/or audio data for camera include but not limited to MPEG file formats, therefore since the camera is able to play mp3 files it can be considered as an MP3 player").

Poo does not disclose the handheld image capture device comprising a head-phone jack.

However Ejima discloses camera that comprises a headphone jack (Figure 1, Element 9, "Earphone Jack")

Therefore it would have been obvious for one ordinary skilled in the art at the time the invention was made to modify Poo's camera to comprise a headphone or earphone jack that is thought in Ejima in order to allow the user of the camera to be able

provide a connection to an earphone or so as to allow user to listen audio through an earphone.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Selam T. Gebriel whose telephone number is 571-270-1652. The examiner can normally be reached on Monday-Thursday 7.30am-5.00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hai Tran can be reached on 571-272-7305. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Selam Gebriel

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/Hai Tran/

Supervisory Patent Examiner, Art Unit 4178

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